

PTO-1390		ATTORNEY DOCKET NUMBER 85162
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. <i>(if known, see 37 CFR 1.5)</i> 10/527921 <i>Not Yet Assigned</i>
INTERNATIONAL APPLICATION NO. PCT/EP2003/010334	INTERNATIONAL FILING DATE September 17, 2003	PRIORITY DATE CLAIMED September 17, 2002

TITLE OF INVENTION
ANTI-INFECTIOUS, BIOCOMPATIBLE TITANIUM OXIDE COATINGS FOR IMPLANTS, AND METHOD FOR THE PRODUCTION THEREOF

APPLICANT(S) FOR DO/EO/US
Ziegler et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. Please do not delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (unsigned)
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 20. below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: **International publication WO 2004/026346 (in German); International Search Report issued March 25, 2004, and International Preliminary Examination Report of November 18, 2004, with Annexes (in German).**

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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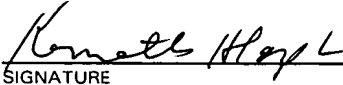
Date of Deposit MAR 16 2005

I hereby certify that this paper or fee is being deposited with sufficient postage utilizing the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

ED PRICE

(Typed or printed name of person mailing)

(Signature of person mailing)

U.S. APPLICATION NO. <i>(if known, see 37 CFR 1.01)</i> Not Yet Assigned		INTERNATIONAL APPLICATION NO. PCT/EP2003/010334		ATTORNEY DOCKET NUMBER 85162		
21. The following fees are submitted:					Applicant use	Office use only
<input checked="" type="checkbox"/> a) Basic national fee \$300.00					\$ 300.00	
<input checked="" type="checkbox"/> b) Examination fee \$200.00					\$ 200.00	
<input checked="" type="checkbox"/> c) Search fee \$500.00					\$ 500.00	
TOTAL OF ABOVE CALCULATIONS =					\$ 1,000.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.						
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof		RATE		
31 - 100 =	0 / 50 =	0		x \$250.00	\$ 0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).					\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA		RATE		
Total claims	29	- 20 = 9		x \$50.00	\$ 450.00	
Independent Claims	1	- 3 = 0		x \$200.00	\$ 0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)					\$360.00	\$ 0.00
TOTAL OF ABOVE CALCULATIONS =					\$ 1,450.00	
Applicant(s) assert entitlement to Small Entity Status (37 CFR 1.27), thus reducing the filing fee by half to:					\$ 725.00	
SUBTOTAL =					\$ 725.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).					\$	
TOTAL NATIONAL FEE =					\$ 725.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.					\$	
TOTAL FEES ENCLOSED =					\$ 725.00	
AMOUNT TO BE:					Refunded	\$
					Charged	\$
<p>a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 06-1135 in the amount of \$ <u>725.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed. <i>(Trans. Nos. 21329, 21330, 21331 & 21332.)</i></p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1135. A duplicate copy of this sheet is enclosed.</p> <p>NOTE: <i>Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</i></p> <p>SEND ALL CORRESPONDENCE TO:</p> <p>FITCH, EVEN, TABIN & FLANNERY 120 South LaSalle Street, Suite 1600 Chicago, IL 60603-3406 U.S.A.</p> <p>Telephone: (312) 577-7000 Facsimile: (312) 577-7007</p> <div style="text-align: right;">  SIGNATURE Kenneth H. Samples NAME 25,747 REGISTRATION NUMBER </div>						